

1 say that, so you're the one who's trying to mislead  
2 her.

3 MR. FREIMUND: So you're saying -- you're  
4 reading of this is that Deanne reported that these  
5 behaviors indicate post-traumatic anxiety behavior? I  
6 beg to differ.

7 MS. ZELLNER: It says, "Reported by Deanne."

8 MR. FREIMUND: That is the last line. I agree  
9 with you. That is the last line. That is not the entire  
10 entry.

11 MS. ZELLNER: So? It --

12 MR. FREIMUND: So let me ask the question.

13 MS. ZELLNER: If you can ask her if she -- if  
14 this information was reported by her, it would be fine,  
15 but it says, "Reported by Deanne."

16 BY MR. FREIMUND:

17 Q Ms. Link, are you testifying that the notes  
18 that are reflected in this exhibit under Arabic numeral 3  
19 are inaccurate?

20 A I don't recall details specified in that  
21 note.

22 Q Okay. Do you recall perhaps being of the  
23 belief that Kathryn Spencer was displaying behaviors that  
24 would be indicative of post-traumatic anxiety?

25 A She had symptoms of anxiety that could have

1 been due to post-traumatic stress or could have been due  
2 to something else.

3 Q What other things do you think post -- I'm  
4 sorry -- those anxiety symptoms might have been  
5 attributable to based on your knowledge and information  
6 received regarding Kathryn Spencer?

7 A Upsetting things in the child's life.

8 Q Like what?

9 A Divorce. Separation. Family problems. Things  
10 like that.

11 Q What family problems were you aware of?

12 A I don't remember specific information about her  
13 family problems.

14 Q But you do remember one of the family problems  
15 was a report that her father had sexually abused her.

16 Right?

17 A Yes. Yes. I thought you --

18 Q But you don't remember any others besides that  
19 particular problem?

20 A I thought you meant her current situation in  
21 Sacramento. I'm sorry.

22 Q Do you remember any other particular family  
23 problems, other than that her father had reportedly  
24 sexually abused her?

25 A No.

Objection  
-Leading  
-Asked and  
answered  
Argumentat  
ive

leading  
is appropriate  
given  
witness'  
hostility  
goes  
to  
weight



1 Q Do you remember being told that when  
 2 Kathryn Spencer returned from Washington after visiting  
 3 her father, she displayed, quote, overreactive anger to  
 4 things earlier that had not bothered her?

Objection  
 to lines  
 1-9 as  
 hearsay.

5 A I don't remember being told that.

6 Q Again, just because you don't remember being  
 7 told that doesn't mean you were not told that; isn't that  
 8 true?

9 A That's true.

Objection  
 to lines 10  
 to 14 as  
 cumulative;  
 asked and

10 Q Let's look at item No. 4 immediately below  
 11 that. It says, "Difficulty communication."

12 You've already testified to that. Right? That  
 13 you do remember that Kathryn Spencer had difficulty  
 14 communicating.

answered,  
 as  
 indicated  
 by "You've  
 already

15 A Yes.

16 Q The next line. I'm not sure what it means and  
 17 maybe you can help me by reading it.

testified  
 to that."  
 -Plaintiff

18 It says, "Reported by Deanne, observed by  
 19 Ann Link, when subject of Washington visit, Deanne  
 20 reported that was very uncharacteristic of Katie."

also  
 restates  
 objection  
 and  
 reservation  
 re dkt. 202  
 at 15.

21 In reading that, do you have any glimmer of  
 22 what's being referred to there?

23 A No.

24 Q The next line says, "Symptoms have gotten less  
 25 through therapy," and you've already testified that note

Objection  
 to carry  
 over  
 -Id.

see  
 above  
 &  
 D's response  
 to TT's  
 MIL #13

same  
 as  
 above

1 is accurate. Correct? That you do remember symptoms got  
2 less through therapy. Right?

3 A Yes.

4 Q Then the last note says, "The last time I saw  
5 her was March 13th before she went to Washington. Had  
6 surgery," it looks like.

7 Does that refresh your memory that that  
8 accurately reports the last time you had seen  
9 Kathryn Spencer, at least as of that time that these  
10 notes were taken, was on March 13, 1985?

11 A No. That does not refresh my memory.

12 Q Okay. Do you have any reason to disagree with  
13 that notation though or the accuracy of it?

14 I'm sorry. I didn't hear your answer.

15 A I don't have a memory of what the date was that  
16 I last saw her.

17 Q I understand that. I'm just asking, do you  
18 have any reason to disagree with the accuracy of that  
19 statement that as of the time these notes were taken, the  
20 last time you'd seen her was March 13, 1985? Do you have  
21 any reason to disagree with that?

22 A Yes, I do.

23 Q And what's your reason for disagreeing with  
24 that?

25 A Because I don't remember the last date that I



1 saw her.

2 Q Okay. It could be true. You just don't  
3 remember; is that right? Is that right?

4 A That's probably true. I don't remember.

5 Q Let's go back up to Item 1 there that  
6 Ms. Zellner was asking you questions about.

7 On the items that we're -- it says, "On  
8 November 1, she demonstrated with dolls for Ann." And  
9 then the next line says, "Parts. Boobies. Pee pee.  
10 Wiener. Bottom."

11 Are you saying that you are certain that  
12 Kathryn Spencer did not describe body parts using those  
13 terms or are you saying you cannot recall whether she  
14 described body parts using those terms?

15 A I do not recall demonstrating with anatomical  
16 dolls with her.

17 Q Try listening to my question now. I'm asking  
18 you, are you saying -- do you recall Kathryn Spencer  
19 using those terms to describe body parts or are you  
20 saying Kathryn Spencer never used those terms to describe  
21 body parts?

22 A I don't remember Kathryn Spencer describing  
23 body parts listed in that "A."

24 Q Are you saying she never used those terms?

25 A I'm saying I don't have any recollection of her

Objection  
based on  
motion in  
limine #13,  
dkt. 202 at  
15;  
Plaintiff  
reserves  
right to  
supplement  
highlighting  
if motion  
denied.  
Also,  
object based  
on  
speculative  
and hearsay  
testimony.  
Also,  
questions  
have been  
asked and  
answered.

See  
As's  
response  
to TT's  
mIL #13  
&  
goes to  
weight

1 using those terms.

2 Q The next line says, "Only able to whisper  
3 them."

4 Is that consistent with the memory that you do  
5 have that she had difficult communication problems with  
6 you?

7 A I don't have a recollection of that description  
8 there.

9 Q Do you remember her just whispering to you  
10 sometimes when she was communicating to you during  
11 therapy?

12 A I don't specifically remember that.

13 Q Are you certain it never happened?

14 A I don't recollect it happening.

15 Q Does that mean you're not certain whether it  
16 happened?

17 A It means I don't have a recollection of it  
18 happening.

19 Q And once again, ma'am, there's a very important  
20 distinction I'm trying to make here, and I'd appreciate  
21 you trying to answer my question. There is a difference  
22 between whether you recall something happened and being  
23 certain that it never happened, and that is the  
24 distinction I am trying to get here.

25 Are you certain that it never happened that

1 Kathryn Spencer would occasionally whisper to you during  
2 therapy sessions?

3 A I don't remember her whispering to me during  
4 therapy sessions.

5 Q Are you certain that it never happened?

6 A No. I don't remember it happening.

7 Q All right. And that's certainly  
8 understandable. It's been over 25 years. That's why I  
9 want to be very clear on this distinction.

10 Now, what is under Group Exhibit 6, are those  
11 all the documents that you have received from plaintiffs'  
12 counsel in this case, other than drafts of your  
13 declaration?

14 A Under -- the exhibits under 6?

15 Q Yes.

16 A There's Exhibit 6. There's Exhibit 7.

17 What was it you were asking?

18 Q I appreciate your clarification, and that does  
19 cause me to rephrase my question. Thank you for pointing  
20 that out.

21 What I'm asking is other than the drafts of  
22 your declarations and the releases that were signed both  
23 for you to talk to Ms. Zellner and to be deposed about  
24 your treatment of Kathryn Spencer -- other than those  
25 documents, are the documents that are contained in



1 Plaintiffs' Exhibit Group 6 through Plaintiffs'  
 2 Exhibit 12 all of the documents that you have received  
 3 from the plaintiff lawyers in this case?

4 A Yes.

5 Q And it's true -- is it not? -- you've received  
 6 no documents from any of the defense lawyers or anybody  
 7 representing the defendants. You received documents only  
 8 selected by the plaintiff lawyers. Correct?

9 A Yes.

10 Q Let's look at Exhibit 9, please.

11 On Exhibit 9 Ms. Zellner said that this  
 12 constitutes a note by Detective Krause in which she  
 13 reports that on October 17, 1984, Detective Krause  
 14 accompanied Katie and her mother, Deanne Spencer, to a  
 15 therapy session. Now, you said you don't recall that  
 16 occurring where a police officer accompanied Deanne  
 17 Spencer to a therapy session with you and  
 18 Kathryn Spencer.

19 Is it your testimony that that never happened  
 20 or is it your testimony that you don't remember whether  
 21 or not that happened?

22 A I don't remember it happening.

23 Q Let's go to Exhibit 10. Ms. Zellner related to  
 24 you that this is a report from officer -- I'm sorry --  
 25 Detective Krause, and it reports that Deanne Spencer told

Objection  
 Irrelevant  
 Defense  
 could  
 have  
 submitted  
 exhibits

Objection  
 to pages  
 72-73 -  
 hearsay;  
 testimony  
 can be  
 admissible  
 without  
 documents,  
 see pages  
 36-39.

goes  
 to  
 bias

offered  
 to  
 show  
 Krause  
 accurately  
 reported  
 this  
 event



1 Detective Krause she had advised the children's therapist  
2 that a boy by the name of Matt Hansen had said he had  
3 observed both Kathryn and Matt Spencer being victimized  
4 by their father.

5 Is it your testimony that that never happened?  
6 That you never received that information? Or is it your  
7 testimony you just don't recall whether you received that  
8 information?

9 A I don't recall if I received that  
10 information.

11 Q Okay. The next sentence reads, "I also have  
12 had phone conversation on occasion with both the  
13 therapists and provided them with any information I had  
14 that may assist them in dealing with the Spencer  
15 children."

16 Now, you do recall that that's accurate; do you  
17 not? You did say you recall speaking on the phone with  
18 Detective Krause. Correct?

19 A I remember having some communication with  
20 Detective Krause.

21 Q I want to be very clear on this point,  
22 Ms. Link.

23 Is it your testimony that Kathryn Spencer never  
24 disclosed sexual abuse by her father to you or is it your  
25 testimony that you don't remember whether Kathryn Spencer

1 disclosed sexual abuse by her father to me? Which of the  
2 two is it?

3 A I have no recollection that she disclosed  
4 sexual abuse by her father to me.

5 Q So of the two choices I gave you, you chose the  
6 second one. Correct?

7 MS. ZELLNER: Objection. That misstates what  
8 she testified to.

9 BY MR. FREIMUND:

10 Q Is that correct, ma'am?

11 A Can you repeat the question?

12 Q Sure.

13 MR. FREIMUND: I ask that the reporter read it  
14 back, please.

15 (Record read.)

16 THE WITNESS: Kathryn Spencer never disclosed  
17 abuse information regarding her father to me.

18 BY MR. FREIMUND:

19 Q So you're certain now that that never happened.

20 A Yes.

21 Q All right. Let's look at Exhibit 12.

22 Ms. Zellner represented to you that Exhibit 12  
23 is part of an excerpt from the sentencing hearing for  
24 Ray Spencer in which she read for you first an  
25 unidentified person that may or may not be Mr. Peters



1 saying, "Mr. Rulli and I, when we were in Sacramento,  
2 talked to the therapist of Matthew Spencer and  
3 Kathryn Spencer and they indicated that the children were  
4 experiencing substantial psychological and behavioral  
5 problems of the type typically seen in victims of sexual  
6 abuse."

7           You said in answer to Ms. Zellner's questions  
8 you don't recall telling the prosecutors and  
9 Mr. Spencer's criminal defense attorney that  
10 Kathryn Spencer was displaying these types of behavioral  
11 problems that are typically seen in victims of sexual  
12 abuse.

13           Once again, I want to be clear. Are you saying  
14 you don't recall telling them that or are you saying you  
15 never would have told them any such thing?

16           A    What page are you on?

17           Q    Page 47, the second page of Exhibit 12.

18           A    Page 47. Okay.

19           Q    It has Spencer-01095 on the bottom right-hand  
20 corner, using the plaintiff lawyer's numbering system?

21           A    01095. And what was your question again?

22           Q    Are you -- just reading that where --

23           A    Starting with --

24           Q    The paragraph -- "Mr. Rulli and I, when we were  
25 in Sacramento, talked to the therapist of Matthew Spencer

1 and Kathryn Spencer, and they indicated that the children  
2 were experiencing substantial psychological and  
3 behavioral problems of the type typically seen in victims  
4 of sexual abuse."

5 And my question to you is are you saying you  
6 never would have said any such thing to this prosecuting  
7 attorney and criminal defense attorney or are you saying  
8 I do not recall saying such things to those people?

9 A I don't recall a specific conversation with  
10 them.

11 Q All right. Would you agree that you believe  
12 that Kathryn Spencer was displaying behavior problems of  
13 the type that are typically seen in victims of sexual  
14 abuse?

15 A Of the type that can be seen in victims of  
16 sexual abuse.

17 Q You would agree with that. Right?

18 A Yes. That she had symptoms -- anxiety symptoms  
19 that could be seen in a sexual abuse victim or anxiety  
20 from other reasons. Yes.

21 Q All right. I don't have any more question for  
22 you, Ms. Link. Thanks for your time.

23 EXAMINATION

24 BY MR. JUDGE:

25 Q Ms. Link, this is Dan Judge. I'm here on

Objection to  
lines 11-20;  
asked and  
answered,  
cumulative